

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDRE LEVESQUE,

Plaintiff,

-v-

8:15-CV-1314  
(DNH/ATB)

USA DEP'T OF SOCIAL SECURITY  
ADMINISTRATION,

Defendant.  
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APPEARANCES:

ANDRE LEVESQUE, plaintiff pro se

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Andre Levesque filed a complaint, together with an application to proceed in forma pauperis, a motion for appointment of counsel, and a "Motion to Reopen Case." The court has surmised that plaintiff seeks to challenge the termination of his disability benefits and the assessment of an overpayment in social security benefits. By Report-Recommendation dated November 17, 2015, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that the action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

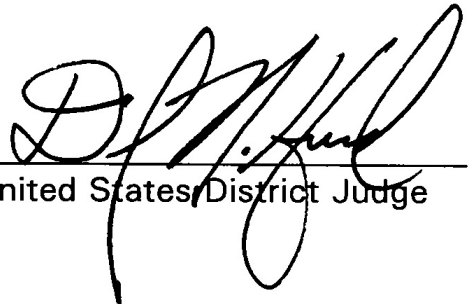
Therefore,

it is ORDERED that

Plaintiff's complaint is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for lack of jurisdiction and failure to state a claim.

The Clerk of the Court shall enter judgment and close the case.

IT IS SO ORDERED.



United States District Judge

Dated: December 9, 2015  
Utica, New York